

**Iowa Department of Human Services
CHILD CARE CENTER COMPLAINT**

Name of Center: Lots of Activity Child Care Center		Enrollment: 27	License ID: 4182000100
Street: 4508 El Rancho Dr	City: Davenport	IA Zip Code: 52806	County: Scott
Mailing Address: PO BOX 3303			
Mailing City: Davenport		IA Zip Code: 52806	
Director's Name: Cherena Gary		Center Phone Number: 563-388-4984	
On-Site Supervisors: Cherena Gary		E-Mail Address: lotsofactivitychildcare@hotmail.com	

Date of Complaint: 2/7/2014

Date of Visit: 2/10/2014

☒ Scheduled ☐ Unannounced ☐ NA

☐ Non-Compliance with Regulations Found ☒ Compliance with Regulations Found ☐ NA

RECOMMENDATION FOR LICENSE

[X] NO CHANGES to licensing status recommended

[] **PROVISIONAL** license from _____ to _____

[] SUSPENSION of License

[] REVOCATION of License

Summary of Complaint:

An unknown child was hit on the back by an employee of the child care center believed to be named Tameka Angel. The child had bruising as a result of being hit. Center director got into a screaming match on 2/4/14 related to the above reported incident in front of the children.

Center director and husband (owners of center) argue, yell, cuss, and scream at each other at the center in the presence of the child care children.

Children are hit with rulers by the director in her office when they are sent there for discipline.

Licensing Rules Relevant to the Complaint:

109.12(2) a-d Discipline does not allow - corporal punishment; punishment that causes humiliation, fear, pain or discomfort; locking children in an area or using mechanical restraints; associating with illness, toilet training, food or rest; or the use of verbal abuse, threats, or derogatory remarks about a child's family.

109.10(16) Supervision and access.

a. The center director and on-site supervisor shall ensure that each staff member, substitute, or volunteer knows the number and names of children assigned to that staff member, substitute, or volunteer for care. Assigned staff, substitutes, and volunteers shall provide careful supervision.

Inspection Findings:

An scheduled visit occurred at this center along with DHS worker Theresa Hirst on 2/10/14 to speak with the center director (Cherena Gary), her husband (Pastor Larry Gary), and several other staff in regards to the reported concerns. It is noted that Pastor Larry stood in the doorway when the other staff were spoken to. This licensing consultant spoke by telephone with DHS Hirst on 2/7/14 and learned that the reported incident of the child being hit on the back happened approximately three weeks ago. DHS Hirst had visited the center once already and had spoken with the center director and learned that the most likely child this complaint referenced was a three year old child. The staff alleged to have hit the child was most likely staff Tamakia. Some type of

argument did occur at the center when children were present between this child's father and the center director.

DHS Hirst and this licensing consultant spoke with staff Tamakia who reported being at this center for over a year. She stated she works in the twos/threes room. Tamakia denied that she had ever hit or hurt any child at the center. She stated the particular child is a verbal child but tends to be a quiet, well behaved, and pleasant child. The concern initially reported to the center by the parent was that the child had been hit in the eye by another child. Tamakia stated she first learned that there was a concern when Cherena called her at home and asked her to contact the child's father regarding that concern. When Tamakia called the father she learned then that she had been accused of spanking the child. Tamakia stated this particular child has never even gotten into any trouble at the center.

Tamakia further discussed concerns that had been ongoing regarding communication between the center and this family, particularly with the child's mother, and that this raised her concern further once she was accused of hurting the child. Tamakia stated the child's mother refused to talk to her since the child started at the center in August 2013, and Tamakia was the lead teacher for the child's program room. Tamakia stated after this incident the center had decided to call a meeting with the parents. Tamakia stated no meeting ever occurred to her knowledge. She stated she did have knowledge of there being an outburst between this particular child's father and the center director. She stated this happened in the hallway of the center. She stated she heard his loud voice but that she was in her room and did not see what happened and did not recall specifics of what was being said.

Tamakia denied knowing of any other incidents where other staff at the center may have hurt the children. She also denied that she had ever heard a time when staff, including the owners, have argued at the center. She stated if this was the case she also would be concerned because her two children attend this center.

We then spoke with staff Rhonda. She stated she has been at this center since 6/13 and works in the fours/fives room which adjoins the twos/threes room. Rhonda stated she loves her job and loves working with the children. Rhonda stated she has interaction with the particular child as well as staff Tamakia because they are essentially in the same room, though it is split in half. Rhonda described the particular child as sweet, very quiet, and easy going. She stated this child does not get into any trouble. She confirmed that the child's mother has never spoken to Tamakia even though Tamakia is the child's lead teacher. She stated she has never seen any staff hit or hurt the child. She stated she had never observed any concerns regarding Tamakia's interaction with the children.

Rhonda stated she did hear the outburst between Cherena and the child's father. She stated they were arguing. She stated Pastor Larry was there also. She stated she knows the child was present with his father and that she came out into the hallway to offer the father to take the child away from the argument but the father said no to this. She stated she heard raised voices but no swearing. She stated they were arguing over a meeting. She felt the argument went on at most five minutes. She stated there were two other children (siblings) present at the center in Tamakia's room with Tamakia and that those children left with their parent in the midst of this argument.

When asked about discipline, she stated as a last resort, a child might be sent to the director's office for a brief time away, maybe a minute or two, to calm down. She stated this is rarely used, and there has never been a concern that a child would be hit by anyone with anything. Rhonda stated she has never heard Pastor Larry or Cherena yell at each other or anyone at the center.

Staff Amanda was interviewed. She stated she has worked at this center since 5/13. She stated she works in the nursery. She denied ever hearing any disagreements here at the center. She stated she has had no concerns about any staff and/or inappropriate discipline of the children.

Staff Paula was interviewed. She stated she has worked here since 9/13. She stated she works with the toddlers. She stated she had never worked with the particular child. She stated she was cleaning when she overheard the argument in the hallway. She stated any children still at the center would have been with Tamakia at that time. She stated she heard raised voices between the child's father and Miss Cherena. She stated the child's father was holding his child during the disagreement.

Paula stated she had not seen other concerns with staff or discipline of the children. She stated there had been no other times of yelling or cussing at the center.

We then spoke further with Cherena and Pastor Larry. Cherena provided more detail regarding the situation between the child's parents and lack of communication with the center and that the center had tried repeatedly to engage the parents in a meeting to discuss these concerns especially in light of the accusations then that a staff person had possibly hurt the child. Cherena stated the parents refused to agree to meet with the center. Cherena stated that after numerous attempts to schedule a meeting the situation

escalated when the family was told they could not bring the child back until a meeting could take place. Cherena stated the father had already picked the child up on that date and left the center but then returned later to argue with Cherena. Cherena stated voices were raised but denied any physical confrontation. Cherena stated she raised her voice to the father in attempts to communicate what needed to happen and that she was going to end the discussion and contact the police if he did not leave. Pastor Larry confirmed this and stated he came out to the hallway when he heard their voices being raised. Both stated the father did leave without further incident. Cherena stated there would have been five children still present at the center (plus the father's child who he was holding during the argument) when the outburst occurred.

Cherena and Pastor Larry denied that they had ever argued, cussed, or screamed at one another at the center or in the presence of the children. Both denied any concerns with any of their present staff that anyone would act inappropriately or hurt the children.

Special Notes and Action Required:

There is not definitive evidence to indicate there were licensing violations related to this complaint at this time. There are no further special actions required at this time. At minimum, there was a situation that took place at the center where voices were raised between a parent who was upset and the center director, however, it appears that the director was at the point where she was following the center's emergency plan for considering an intruder or dangerous person at the center and would have taken the next step to call the police if necessary.

Heidi Hungate, MSW
DHS Child Care Licensing Consultant

Consultant's Signature:

Date:

02/18/2014

A handwritten signature in cursive script, appearing to read "Heidi L. Hungate".